REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1-14 are pending in the application. Claims 1, 3, 4, 6 and 8-12 have been amended to improve clarity. New claims 13-16 have been added[1]. The rejections are respectfully submitted to be obviated in view of the remarks presented herein.

Objection to the Drawings

The drawings are objected to under 37 CFR 1.83(a) as allegedly failing to show in detail the elements as described in the specification.

Applicants believe that the drawings, namely FIG. 1, shows in detail the elements described in the specification. In particular, Applicants assert that the elements described in exemplary embodiments of the present invention on page 4, line 32 to page 9, line 35 are shown in the active communications network depicted in FIG. 1. However, Applicants have editorially amended FIG. 1 to remove redundant reference number labels in order to improve clarity. Accordingly, the Examiner is kindly requested to withdraw the objection to the drawings.

Objections to the Specification

The abstract of the disclosure is objected to because of alleged informalities

Applicants have editorially amended the abstract, and now accordingly request withdrawal of the objection to the abstract of the disclosure.

The specification is also objected to for alleged informalities.

[1] Support for the claim amendments is found in the specification on at least page 3, lines 4-8, page 6, lines 4-22 and page 7, lines 17-20.

Applicants have editorially amended the specification in the paragraph on page 7, lines 17-31 and page 8, lines 22-27 in order to more clearly reference the EP document which is referred to and to also improve clarity. The EP document being referenced is EP 1 204 246 A1, which was published on May 8, 2002. Accordingly, withdrawal of the objections to the specification is respectfully requested.

Claim Objections

Claims 1-12 have been objected to for alleged informalities.

Applicants have editorially amended claims 1, 3, 4, 6 and 9-12. Accordingly, withdrawal of the objection to the claims is respectfully requested.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 6-12 are rejected under 35 U.S.C. § 112 as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection is respectfully traversed.

Applicants have amended claims 6, 8 and 10-12 to improve clarity. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, are respectfully requested.

Rejection Under 35 U.S.C. § 103(a) - *Applicant's admitted prior* art in view of *DAN: Distributed Code Caching for Active Networks*

Claims 1-12 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Applicant's admitted prior art (U.S. Pub. No. US 2006/0155834; hereinafter "AAPA") in view of DAN: Distributed Code Caching for Active Networks (Decasper, D. and Plattner, B,. Proceedings of IEEE INFOCOM'98, April 1998, pp. 609-616; "DAN"). The rejection is respectfully traversed.

Regarding claim 1, claim 1 recites an active telecommunications network comprising:

an active node comprising active code reception means and an active code execution environment; and

a signaling control unit comprising:

means for receiving a request to set up a virtual circuit between a client terminal and a server terminal;

a virtual circuit set-up means; and

means controlled by the virtual circuit set-up means for sending active code to the active node.

The AAPA and DAN, individually or in combination, fail to teach or suggest, *inter alia*, "a signaling control unit comprising: means for receiving a request to set up a virtual circuit between a client terminal and a server terminal; virtual circuit set-up means; and means controlled by the virtual circuit set-up means for sending active code to the active node," as recited in claim 1. The AAPA discusses background information to set up the foundations upon which improvements have been made, the improvements representing the present invention. DAN discloses a system in which data packets carry pointers to digitally signed active modules initially loaded on-the-fly, in-band, from trusted code servers on the network.

The AAPA fails to teach or suggest, *inter alia*, "a signaling control unit comprising: means for receiving a request to set up a virtual circuit between a client terminal and a server terminal," as recited in claim 1. The AAPA does not include any teaching or suggestion of a request to set up a virtual circuit. The AAPA is also silent on having any virtual circuit. Also, the AAPA's disclosure that a signaling control unit may be a SIP proxy, which may be used to set up virtual circuits, does not teach or suggest that an SIP proxy may ever set up a virtual

circuit. Furthermore, the Examiner refers to RFC 2543 on page 6 of the Office Action, however, RFC 2543 makes no mention of the SIP proxy *setting up a virtual circuit*. The Examiner has relied upon improper hindsight of the Applicants' own disclosure of the present invention in concluding that the AAPA suggests setting up a virtual circuit.

Furthermore, the AAPA also fails to teach or suggest a signal control unit also comprising "virtual circuit set-up means; and means controlled by the virtual circuit set-up means for sending active code to the active node," as recited in claim 1. As discussed above, the AAPA is silent on the inclusion of a virtual circuit.

DAN fails to remedy the deficiencies of AAPA. DAN also fails to teach or suggest "a signaling control unit comprising: means for receiving a request to set up a virtual circuit between a client terminal and a server terminal; virtual circuit set-up means; and means controlled by the virtual circuit set-up means for sending active code to the active node," as recited in claim 1. DAN fails to teach or suggest either a virtual circuit, a means for receiving a request to set up a virtual circuit, a virtual circuit set-up means, or means controlled by a virtual circuit set-up means for sending active code to the active node. In fact, DAN is completely silent on both setting up a virtual circuit as well and a request to set up a virtual circuit. The Examiner on page 6 lines 9-11 of the Office Action alleges that DAN discloses on page 611 a system analogous to the AAPA. However, DAN does not teach or suggest any virtual circuit. Rather, page 611 of DAN only describes how DAN's Active Network Node (ANN) functions, particularly in regards to DAN's code server being a "cache" for DAN's active module code. Although DAN's disclosure does generally relate to receiving an active module from a code server, DAN however does not ever set up any virtual circuit between a client terminal and a server terminal.

At least by virtue of the aforementioned differences, claim 1 is distinguished over the AAPA in view of DAN. Amended claim 6 is a related independent method claim, and is also distinguished over the AAPA in view of DAN for analogous reasons as discussed above. Claims 2-5 and 7-12 are dependent claims which also distinguish over the AAPA in view of DAN for at least their dependencies as well as for their additionally recited elements.

New Claims

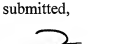
Claims 13-16 have been newly added by this amendment. Claims 13-16 are dependent claims and are also distinguished over the cited references based at least on their dependencies as well as for their additionally recited elements.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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